

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,

Plaintiff,

vs.

RIGOBERTO VASQUEZ-MARTINEZ,

Defendant.

8:15CR206

ORDER

This matter is before the Court on defendant's motion to reduce sentence, [Filing No. 74](#). The Court will file the motion as a request for sentence reduction. However, the Court notes that at the end of the motion, in the handwritten section, defendant discusses this in the context of an "ineffective assistance" claim against his attorney. Accordingly, the Court will order the Clerk of Court to send the appropriate paperwork for an action pursuant to 28 U.S.C. § 2255. If the defendant meant for this motion to serve as an action under section 2255, he must fill out and file this paperwork in a timely manner. If he intends that this motion be purely for the reduction of his sentence, he need not fill out the paperwork for this particular motion.

THEREFORE, IT IS ORDERED THAT:

1. The Clerk of Court shall send the defendant AO Form 243, Motion to Vacate, Set Aside, or Correct a Sentence Under 28 U.S.C. § 2255.
2. The defendant shall complete and submit AO Form 243 by May 10, 2017 if he intends to pursue an action pursuant to 28 U.S.C. § 2255.
3. In the event AO Form 243 is not received by May 10, 2017, the Court will proceed with the Motion to Reduce Sentence.

Dated this 11th day of April, 2017.

BY THE COURT:

s/ Joseph F. Bataillon
Senior United States District Judge